

FARMINGTON CITY – CITY COUNCIL MINUTES

SEPTEMBER 21, 2021

WORK SESSION

*Mayor Jim Talbot,
Mayor Pro Tempore/Councilman Brett
Anderson,
Councilman Shawn Beus,
Councilman Scott Isaacson,
Councilwoman Amy Shumway,
City Recorder Heidi Bouck,
Recording Secretary Deanne Chaston,
Community Development Director Dave
Petersen,*

*Assistant City Manager/Economic
Development Director Brigham Mellor,
Finance Director Greg Davis,
Assistant City Manager/City Engineer Chad
Boshell,
Jayme Blakesley (filling in for City Attorney
Todd Godfrey), and
City Lobbyist Eric Isom.*

Mayor **Jim Talbot** called the work session to order at 6:05 p.m. Councilman **Shawn Beus** offered the invocation. Councilwoman **Rebecca Wayment** was excused.

WASATCH – PARKING GARAGE

The work session was held to discuss the Wasatch parking garage. **Mayor Talbot** said this is a significant project that is a huge part of the business park. There are no decisions being made tonight, as this is just an opportunity to present details.

Assistant City Manager/Economic Development Director **Brigham Mellor** presented this agenda item. This is for 20 acres on the southern-most portion of what was the Stack development. “The Sycamore” is the name of the affordable housing component, which will average 60% Area Median Income (AMI) across the whole project (between 40 to 80 AMI). All 239 units of the Sycamore will be affordable, in a project with a total of 500 units. The parking component will be one of the first elements to go in, and is nicer than anything the Council saw during their tour in Denver because it is wrapped on all sides. It is a \$20,000 per stall cost. To offset the cost of that parking structure, the City needs to work with the applicant and the Community Reinvestment Project Area (CRA), as it all fits in CRA 2.

The City is proposing to give the applicant a \$500,000 impact fee credit specifically tied to the park impact fee they would have to pay across their whole project. They would normally have to pay \$2.1 million in park impact fee up front when getting their building permit. The \$500,000 credit works for the Staff so the City doesn’t have to come up with cash on the front end out of Farmington City Council, September 21, 2021

pocket. An additional \$1 million in tax incentives is being contemplated as well. The \$1.5 million in funds considered would be given to the applicant upon Certificate of Occupancy (C of O), after the building is built. **Mayor Talbot** said the money can't be given until the structure is out of the ground, as the City must fulfill its fiduciary duty with public tax funds.

Adam Lankford, Jeff Nielsen, and Corey Johnson with Wasatch Residential Group addressed the Council. **Lankford** said the project includes two pools, two spas, cabanas, outdoor furniture, games, pickle ball courts, two groups of playground equipment, outdoor kitchens (as grills are not allowed on patios due to fire hazard), outdoor courtyards, and loungers to make it look and feel like a resort. Reverse townhomes will be on the top. Two fitness centers, one with 3,000 square feet and another with 2,500 square feet, will include free weights, machines, treadmills, and cross fit equipment to make it so tenants won't need an outside gym membership. A sports bar club house will include a club room, attached kitchen, golf simulator, dodge ball, TVs and indoor lounge areas. Pockets of amenities will be throughout the whole project, which has between 35% and 38% open space with grass, landscaping, trees, walkways and a splash pad.

Nielsen added that the lounge tables would be covered while there would also be outdoor foosball and TVs. He said the starter home market has changed, as people are staying longer and wanting amenities. Affordable housing tenants would likewise benefit from the amenities.

Mellor said 45% of the project's total units are affordable. **Nielsen** said The Sycamore is proposed to be five stories of affordable housing, all for-rent. **Mellor** said residents at Station Parkway have about the same amount of units crammed into 8 acres (instead of 20), with 1/3 of the amenity package as this. This has three times the amenities for the same number of units. That reduces the demand on the park infrastructure program. The applicant is still going through entitlements now, so they are not asking the Council to make a decision yet. It still needs to go to the Planning Commission, which will be in November at the soonest. This Redevelopment Agency (RDA) deal structure will come forward at the same time.

Councilwoman **Amy Shumway** wanted to know what other affordable housing money the City has coming in from other CRAs in the future. She wondered if it is worth it to put \$1 million all into one project, because other people may want this money also.

Mellor said funds available include: \$1 million in the Kmart I-89 RDA created in 1994 that must be used on a qualifying project by 2027; a combined total of \$3.8 million in CRA 1 and CRA 2; and \$2.3 million in CRA 3 coming forward at the end of the year.

Mayor Talbot said he would be willing to put the money in because the City would be getting a wrapped product, which is important in moving forward and sets the tone to save room by

putting in an enclosed parking structure. Wrapped parking is when a parking garage structure is surrounded by residential units.

Jayme Blakesley (filling in for City Attorney **Todd Godfrey**) said **Godfrey** was concerned with the sequencing and funds available after the amenities that are important to the City and key to the investment are done. **Mayor Talbot** said **Godfrey**'s concerns were giving someone money on bare ground, or not using the money to build the structure. Instead, it should be used to reimburse. He appreciates Wasatch talking about this issue. **Nielsen** said their financing would be fine if the latest they got the money is at Certificate of Occupancy.

Councilman **Scott Isaacson** asked if it was an issue that all the amenities would be private, not open to the public. **Blakesley** said he was comfortable with that, as the amenity for the City is the affordable housing. **Mellor** said technically impact fees can be reduced based on affordable housing. The justification is not the amenity package, but meeting the statute with the affordable housing project. **Mayor Talbot** said he doesn't have a problem with \$1 million, or \$150,000 every year for 10 years, as it is a real plus for affordable housing. **Mellor** said the \$150,000 per year can be leveraged from money that it taxes in the CRA before the 2027 trigger time, and the building will be built well before that trigger. There is a revenue stream coming in from the Station Park RDA as well. **Mayor Talbot** said **Godfrey** was fine with that. However, the impact fee credit is harder to swallow because the City needs it to do what they need to do.

Assistant City Manager/City Engineer **Chad Boshell** said he worries the property is already getting a benefit from storm drain impact fees, as they don't have to detain any storm drain on site. Reducing it even more means they are getting even more of a benefit to be funded from somewhere else.

Mellor said there have only been three times the City has done impact fee credits: one that runs with the ground with AMENTE, Brighton Homes north of Cabela's in 2007, and this one. He said the parking structure alone is worth it in his mind because it sets the tone going forward. There is no way anyone to the north can only have surface parking. This is where the City draws the line; everything goes vertical from here on out.

Mayor Talbot said the Council needs to discuss the downside of using impact fee credits going forward. He is concerned about other developers finding out the secret of a credit on impact fees. **Beus** said the \$500,000 is a sacred cow, but the trade off to him is the amount of parking space that is going into the development. **Mellor** said using internal accounting, Farmington could pay themselves back to make the park impact fee fund whole later, which may be the best option. The applicant will still pay \$1 million in impact fees over the life of their project just

toward parks alone. **Mayor Talbot** said they would not be giving them \$1.5 million out the door, but over 10 years.

Nielsen said the parking structure alone will cost \$8 million including stairways, elevators and drains. The affordable housing piece will cost \$67 million.

Mellor said the City needs 225 affordable housing units according to the State, and this one project gets Farmington to a positive balance. The City previously toured a similar project, with smaller units, on 4th South in Salt Lake. **Mayor Talbot** said Farmington would be one of few cities in the State that is up to par for affordable housing. Farmington will be quite a bit ahead of other cities. There may be some heartburn moving forward on this project, especially when another large project nearby comes forward. This project is 20 acres, which is part of the 127 acres that Stack purchased.

REGULAR SESSION

*Mayor Jim Talbot,
City Manager Shane Pace (via Zoom),
Mayor Pro Tempore/Councilman Brett
Anderson,
Councilman Shawn Beus,
Councilman Scott Isaacson,
Councilwoman Amy Shumway,
City Recorder Heidi Bouck,
Recording Secretary Deanne Chaston,*

*Community Development Director Dave
Petersen,
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Development Director Brigham Mellor,
Finance Director Greg Davis,
Assistant City Manager/City Engineer Chad
Boshell, and
Jayme Blakesley (filling in for City Attorney
Todd Godfrey).*

CALL TO ORDER:

Mayor **Jim Talbot** called the meeting to order at 7:05 p.m. Councilwoman **Rebecca Wayment** was excused.

Roll Call (Opening Comments/Invocation/Pledge of Allegiance)

Mayor Talbot offered the invocation, and the Pledge of Allegiance was led by Councilwoman **Amy Shumway**.

PRESENTATION:

Donation to First Responders of Farmington by Taylor Leavitt and family

Mayor Talbot said the Palmer family is a special family with deep roots in Farmington. **Tawnie Simpson** of North Salt Lake and **Tammy Leavitt** of Farmington presented a \$1,200 check to Fire Chief **Guido Smith** and the six Farmington police and first responders in attendance. **Simpson** and **Leavitt** are the daughters of dentist **Bradley** and **Dee Ann Palmer**, who passed away in March of 2021 from cancer. In her memory, her grandchildren raised this money selling things on July 24th. They said first responders are examples of everyday bravery and dedication who provide care, comfort, and strength with their selfless service.

Mayor Talbot said the department may use the money for a handgun. Councilman **Scott Isaacson** said they should spend it on something slightly frivolous.

Mayor Talbot noted some technical difficulties with the night's recording.

PUBLIC HEARINGS:

Zone Text Amendment—Building Siting in the Commercial Mixed Use (CMU) Zone (ZT-18-21)

Community Development Director **Dave Petersen** presented this agenda item. The developers are following the 2017 East Park Lane Small Area Master Plan. The office building is on the south and west of Lagoon Drive, close to the road. After the plan was adopted, the City did not amend the text of the Commercial Mixed Use (CMU) chapter of the zoning ordinance accordingly. It is proposed that the City replace front setback standards in this zone with a Required Building Range (RBR) and lot frontage percentages similar to such standards in the mixed-use zones west of Interstate 15. On September 9, 2021, the Planning Commission recommended that the City Council approve the proposed text changes. **Mayor Talbot** said he likes that it would be consistent with the General Mixed Use (GMU) Zone, with parking to the side or behind.

Mayor Talbot opened the Public Hearing at 7:26 p.m. Nobody signed up in person or electronically to address the Council on the issue. **Mayor Talbot** closed the Public Hearing at 7:27 p.m.

Motion:

Mayor Pro Tempore/Councilman **Brett Anderson** moved that the City Council approve the ordinance amending section 11-19-060 B. 2. of the Zoning Ordinance related to Required Build to Ranges (RBRs) and parking location standards in the CMU with findings 1-2 in the Staff Report.

Findings 1-2:

1. The amendments are consistent with the East Park Lane Small Area Master Plan, an element of the Farmington City General Plan.
2. The amendment will help provide a more harmonious streetscape along streets with a functional classification greater than a local street consistent with the purpose of the CMU zone.

Shumway seconded the motion. All Council members voted in favor, as there was no opposing vote.

Schematic Subdivision and Project Master Plan (PMP)/Development Agreement (DA) – Farmington Station Center Townhomes, and a Zone Text Amendment to modify the City’s Regulatory Plan

Petersen presented this agenda item. The Farmington Station Center Townhome project is a medium-density, mixed-use development proposed on Burke Lane and 1525 West. It is 17-18 acres south of Burke Lane. The project borders the site of the future City Park. It consists of Sego Homes product, as can be seen currently in Daybreak, Utah, as well as more conventional townhomes in the center of the development. The developer proposes office buildings on the west side of their property, to be developed at a later date, and will provide shared parking in that section for the future City Park. The applicant also proposed a land exchange agreement for shared parking that will increase area for the City park. The applicant must provide and receive approval for a PMP/DA under section 140 Chapter 18 due to, among other things, the residential use being not permitted in the Office Mixed Use (OMU) Zone. However, the site total provides roughly 60% office (to be protected by contractual agreement) and 40% residential uses, a similar ratio to other area developments.

Petersen said City Attorney **Todd Godfrey** reviewed the agreement and reduced the boiler plate language to two pages, which has the same content but is written better. However, this change did not make it into the Council’s packet tonight. The shared parking was discussed in a Council meeting two weeks ago. The new DA will be coming soon for Council review. A public hearing can be held tonight, but won’t be on the agenda for a vote until the land use agreement and land swap can be considered all at the same meeting, possibly on October 3, 2021. The City would be getting land that can be added to their park while giving up the Cox and Turpin property for a better alignment of Commerce Drive.

Petersen said although the applicant provided them tonight, building elevations are not part of the PMP. One of the highlights is the townhomes with rooftop elements. There are front garden areas before getting to the door, much like in England or Europe. This will be a nice visual across from the park, and like nothing ever seen in Farmington before.

Isaacson noted that the key phrase is “commercial uses” when it speaks of 60% used for commercial uses in the OMU zone. He asked what commercial uses would be other than office.

Petersen answered that includes professional services, dining, intense and less intense retail, restaurants, and financial services, but not smoke shops. **Isaacson** said the applicant is promising to do office, but the language doesn’t say “office,” just any allowable commercial use. He would like it to be more limited, if possible, in the DA. He does not want a strip mall. **Petersen** said it

would be primarily office uses with ancillary commercial uses such as dry cleaning and a restaurant.

Mayor Talbot suggested going back to the developer to craft such language, as he agrees with **Isaacson** that it needs to be narrowed down. **Isaacson** also wants to make sure there is a north-south connection to 1400. **Petersen** said all the developers are excited and moving in the direction to have that connection.

Petersen said a market study by GSBS Architects said the remote hub area could bear only three to four restaurants. He would like to see a shuttle to Station Park. Farmington has successfully done a Lagoon shuttle for more than 25 years, so it could be easily duplicated. Developers are excited about it, but the big divide is Park Lane, as it is difficult to cross effectively. He envisions docking stations for e-bikes to the north where an office user or tenant can access them, in order to go to Station Park. This is designed to take pressure off intersections. He would like to put in a Transportation and Land Use Connection (TLC) grant plan for the feasibility of moving people between the two downtowns and three regional trails. **Petersen** said this will be like no other city in Utah.

Applicant **Mike Williamson** with Farmington Station Center (9071 S. 1300 W., West Jordan, Utah) addressed the Council. He said his intent has always been office, so he feels comfortable that his vision is compatible with the City's. Therefore, he said it would not be problematic to put in language specific to an office use for the 60%. He is asking for the opportunity to do residential first, which allows him some flexibility and the time he needs to find the right tenants for the commercial piece. In exchange, the applicant is offering a land exchange so the City can gain acreage for park parking via a shared parking agreement. This would allow the City more usable acreage for its park. This would be a for-sale townhome product, which is something different from what other developers are bringing to the City.

Shumway asked **Williamson** why his project does not have as many amenities as other projects being brought to the City. **Williamson** answered that with the heated current market, he is trying to maintain some affordability. The location itself is an amenity, as is the City Park across the street. The for-sale townhome project is appealing with its driveways and front yards, and he doesn't see any problems selling this product. Keeping the Homeowners' Association (HOA) fee lower is more appealing than accessing a tiny swimming pool.

Mayor Talbot opened the Public Hearing at 7:50 p.m. Nobody signed up in person or electronically to address the Council on the issue. **Mayor Talbot** closed the Public Hearing at 7:51 p.m.

Isaacson said this agreement mentions the words “mostly office,” and he wants to lock it down to a more defined use. He also wants to make sure that attorneys agree it is enforceable against future owners forever. A future recession or sale of the land, along with a new City Council, could result in a new agreement, and he doesn’t want creeping changes. He wants an enforceable, binding agreement that will provide office.

Petersen said the cross parking easement is an asset that will allow a future City Council to keep a thumb on that area in the future. The DA will allow the City a say in the future of that area.

Mayor Talbot asked **Jayme Blakesley** (filling in for City Attorney **Todd Godfrey**) to make sure the language is strong enough, as the applicant is not opposed to the office element.

Anderson suggested a negative covenant that would restrict the land use.

Motion:

Shumway moved that the City Council table the Farmington Center Station Townhomes, Schematic Subdivision and Project Master Plan/Development Agreement, as well as a Zone Text Amendment to modify the City’s Regulatory Plan, until the Development Agreement and related Land Exchange Agreement between the applicant and Farmington City are finalized. The Development Agreement will contain more restrictive language with commercial uses.

Councilman **Shawn Beus** seconded the motion. All Council members voted in favor, as there was no opposing vote.

OLD BUSINESS:

Internal Accessory Dwelling Units Zone Text Amendments (ZT-15-21)

Petersen presented this agenda item. Following input from the City Council when this was on a previous agenda, Staff recommended both items H and L. The original definition was confusing. In the clean version, Accessory Dwelling Units (ADUs) and Internal Accessory Dwelling Units (IADUs) are defined separately.

The proposed definition of an ADU is “a detached dwelling unit within an accessory building, which is subordinate in area and height and is an architectural and integral part of a single-family dwelling located on the same lot.

The proposed definition of an IADU is “an attached dwelling unit within the footprint of a single-family dwelling and is an architectural and integral part thereof.”

This will change every definition that has been on Farmington's books since the 1960s including in Chapters 10, 11, 13, 14, 17, and 28. Only one IADU or ADU will be allowed per residence, and parking space must be provided. The owner must reside on-site, and IADU and ADU occupants must be in the same family. According to State Code, ADUs and IADUs can only be used according to ordinance. Currently, Farmington's ordinance doesn't allow stays under 30 days, which will prohibit the use of ADUs and IADUs as Airbnb and VRBO properties.

Anderson asked if the proposed language is more expansive than what State Law requires.

Petersen said he didn't think so, especially with the compromise on prohibiting them on lots less than 6,000 square feet in size. ADUs and IADUs will be allowed in a majority of the City, and they will be discoverable on titles. **Shumway** said they would not be allowed on more than half the lots in her neighborhood due to the 6,000 square foot restriction.

Motion:

Isaacson moved that the City Council approve the enabling ordinance amending the text of the Zoning Ordinance related to Internal Accessory Dwelling Units (IADUs) and Accessory Dwelling Units (ADUs) with Findings 1-5 outlined in the Staff Report, making one correction on page 9, D3, where "shall," which was stricken, will be put back in.

Findings 1-5:

1. The zone text changes comply with the recently adopted House Bill 82, which is now codified as part of State law.
2. Allowing IADUs as a permitted use in all residential zones may provide a more readily available affordable housing option, which aligns with the City's Moderate-Income Housing plan.
3. This amendment still allows the Planning Commission to review all conditional use permits for ADUs.
4. For both IADUs and ADUs, the owner must live on site and off-street parking is required.
5. The amendment ensures consistency between the Farmington City Zoning Ordinance and State law.

Shumway seconded the motion. All Council members voted in favor, as there was no opposing vote. **Anderson** noted his aye was reluctant.

Beus would like to be informed of any movement or demand for IADUs and ADUs on lots 6,000 square foot or less.

GOVERNING BODY REPORTS:

City Manager Report

Via phone, City Manager **Shane Pace** presented the Building Report for August. He mentioned he would be out of town October 5, 2021, for an International City/County Management Association annual conference. He asked Assistant City Manager/City Engineer **Chad Boshell** to inform the Council about the storm drain line in the West Davis Corridor.

Boshell said the Utah Department of Transportation (UDOT) is building West Davis Corridor over a storm drain line. The Glovers Lane overpass embankment is right over a line. Farmington's storm drain is set up that anything over a 25-year storm is carried by the streets. Staff would like to add an additional storm drain pipe to provide for more than a 25-year event. UDOT is putting one under West Davis. Farmington wants another one under Glovers Lane that would release into the wetlands. **Isaacson** had previously suggested asking UDOT to participate in funding of the line. **Boshell** reported that UDOT agreed to participate in 30% of the \$111,000 cost. Farmington has not budgeted for this extra cost, and he would like to do a budget amendment sooner than later. The betterment agreement is not ready yet, but UDOT wants an informal approval as soon as possible. Councilmembers signaled their approval. **Boshell** said the Council should expect to see the agreement in a month.

Mayor Talbot and City Council Reports

Shumway sees Utah Transit Authority (UTA)'s Bus Rapid Transit as something to move people faster, and asked why Centerville residents are opposed to it, as she received an email from a Centerville resident. **Shumway** said everything she can find online about it is very vague, with the biggest change on the Bountiful and North Salt Lake end. It comes into Station Park, which is beneficial for Farmington. She wondered if there was sufficient room at all stops for the double buses to stop every 10 to 15 minutes as proposed.

Mayor Talbot said Centerville has always objected and never wanted it on their Main Street, although he is not sure why. However, Farmington, Bountiful, North Salt Lake, and Woods Cross have all been in favor. **Shumway** wondered if Centerville opposes it because there is discussion of high density and commercial development along the route corridor. Farmington's route is already filled in. **Mayor Talbot** said the plan is not detailed yet because UTA is trying to work things out with Centerville. He said UTA should be coming to the City to discuss the details when it gets closer. He asked City Recorder **Heidi Bouck** to make a note for **Pace** to follow up on it, as this may be a good agenda item for a work session.

Shumway said she found out on Facebook that the northbound Interstate 15 connections have been taken off the West Davis Corridor project. That means that traffic will have to get off at 950 to go to Lagoon. She is disappointed that she didn't officially hear about such significant changes through more official channels. She is worried about Farmington being inundated with traffic. **Isaacson** said the fewer flyovers the better. He is happy to hear of the changes.

Boshell said he was aware that if traffic is on West Davis, they can only get to southbound I-15. The decision was made two to three years ago, as all models showed it did not make sense to include the northbound connections. Northbound I-15 traffic can get on West Davis Corridor around the Farmington City boundary.

Isaacson said he would like to see Farmington Creek cleaned out from Clark Lane south, including behind his home, as it hasn't been cleaned out for a very long time. He is worried that another wet spring could bring flooding. The first year he moved in, he had to sandbag the creek to prevent flooding. He owns property on both sides of the creek. The County refuses to clean it out when called. **Boshell** said that City Staff agrees, and he will have **Cory Brazell** follow up with the County Public Works. It has been a battle, and when Farmington bypassed the County to do so in the past, it damaged their relationship. **Isaacson** mentioned a public meeting the County held with residents 15 years ago about a plan to take out many trees along the creek, which many of the neighbors didn't want to see done. The County has never come back since, and now there are big piles of lumber on the banks.

Anderson has heard about residents wanting to create a recreational use in the Buffalo Ranch conservation easement. **Mayor Talbot** said if it falls under a conservation easement, application would have to be made with the City. Barns for horses are a permitted use.

Mayor Talbot reminded Council members about the Utah League of Cities and Towns convention, saying they are waiving late fees. It is disheartening that the keynote speaker will be addressing the convention via Zoom.

Mayor Talbot said he sent Davis School District a letter about moving on with acquiring other funding for the pool after having discussions with them over the last two years. He received a text in response to the letter saying the District was sorry it didn't work out, and they will pursue a pool option with other entities. **Mayor Talbot** feels the School District will come under scrutiny for this, and asked the Council to stay tuned.

Mayor Talbot asked the Council to clean up trash and straighten chairs following City Council meetings.

ADJOURNMENT

Motion:

Shumway made a motion to adjourn the meeting at 8:44 p.m. **Beus** seconded the motion, which was unanimously approved.

Heidi Bouck, Recorder